

1904-055 Chancery Causes: Powells Valley Bank] vs. Patton Elkins &  
Lee Co.

Verable

CA-Debt  
T-Property



To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County,Va:

Humply complaining,your orator the Powell's Valley Bank,an incorporation,would respectfully represent and show unto your honor that Patton Elkins being indebted to your orator executed to it a note with W.M.Venable as endorser,waiving the benefit of the homestead exemptions,that on the 19th day of July,1903,the same became due and payable,but the same was not paid either by the said Patton Elkins,W.M.Venable or any other person,and the same being yet due and payable to your petitioner,at the November term, 1903,of your honor's court there was render against the said Elkins and Venable a judgement in favor of your orator for the sum of \$170.50,with interest thereon from the 19th day of july,1903, till paid and \$8.66,upon which judgement there was issued form the clerk's office an execution upon which the sheriff has returned no property found;your orator avers that the said judgement nor any part thereof has been <sup>a</sup>pid to your orator,but the same and every part thereof is still due and owing to your orator.

Your orator will furthur represent and show unto your honor that the said Patton Elkins is the owner of a certain tract of land situated on the south side of Walden's ride,in Lee County Vir ginia,and being the same land that ,as your orator is informed, was conveyed to him by G.S.Lawson,now of the State of Mo.,which tract of land it is said contains 35 acres. Your orator avers that notwithstanding the said Elkins has bought,paid for,received a deed to and had said land transferred to him of the land books of the 3rd District of Lee County,yet he has never had his deed of conveyance to said land placed upon record,and therefore your orator is unable to file with this Bill a copy of the said deed.

Your orator will furthur represent and show unto your honor that the said judgement of your orator is the only lien existing against said tract of land;there being no other judgements,and no mortgages, deeds of trust,vendor's or other liens against said property.

Your orator avers also that W.M.Venable is the owner of certain real estate situated in Lee County,Va.,and that there are pending



in your honor's court creditors suits having for their purpose the sale of his lands to satisfy quite a number of various liens against his lands, but your orator is advised that as said Venable is only surety on said note that he has a right to require your petitioner first to exhaust his remedy against the said Patton. Your orator avers that said land will not rent for a sum Elkins. sufficient to pay said judgement in five years.

The prayer therefore of your orator is that the said Patton Elkins and W.M.Venable be made parties defendant to this bill of complaint and be required to answer the same but not under oath, that being expressly waived. That upon a hearing a decree be entered directing a sale of said land of said Elkins or enough thereof as shall be necessary to pay said judgement and the costs of this suit and the expenses of sale. And may all other furthur and general relief be granted your orator that the nature of its cause and good concience requires, and it will ever pray &c.

Permeaton Bros & Co.



Caue's Valley Post

v  $\frac{3}{4}$  Bic Dr  
Chomey

Cotton Tethys etc

Caue's Valley Post  
Bic Dr  
Chomey



THE POWELL'S VALLEY BANK, COMPLAINANT)

v.

PATTON ELKINS ET AL, DEFENDANTS.)

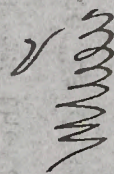
IN CHANCERY

THIS CAUSE came on this day to be heard upon the  
bill of the complainant, and upon motion of the plaintiff, this  
cause is dismissed and stricken from the docket.

*[Handwritten notes and signatures follow, including "Dismissed", "Patton Elkins", and various initials.]*



Panor Valley Bank

✓  Decree

P. Echius itas  
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En. C. B. No. 7,  
Page 469,

Enter this decree

May - 14 1904

H. A. W. Sheen



Powell's Valley Bank, Complainant, )  
vs. ) Decree.  
Patton Elkins and W.M.Venable, Defendants.)

This case came on this day to be heard upon the bill of the complainant, and it appearing to the court that the said defendants have been duly summoned for more than fifteen days previous to the first day of this term of court and that each failing to appear, plead or answer, said bill of said complainant is taken for confessed. It further appearing to the court that certain liens are set up as against the real estate of Patton Elkins in this cause, and that the title to the real estate of the said Patton Elkins is in a somewhat uncertain state, it is therefore adjudged, ordered and decreed that A.M.Goins, who is hereby appointed a special commissioner for the purpose, after having given the parties, or their attorneys herein, ten day's notice of the time and place of his sitting, shall proceed to ascertain, first, all real estate owned by the said Patton Elkins and the condition of the title thereto and, for this purpose, he shall have power to summon the said Elkins and require him to produce before said commissioner any title papers, which he may have and permit said commissioner to take copies therefrom. Second, said commissioner will ascertain all the liens existing against said real estate and whether or not, same will rent for a sum sufficient in five years to pay the said judgment liens, exclusive of all other liens. Third, said commissioner will report any other matter being pertinent by himself, or required to do so by any person in interest, and he will report his action to the next term of this court, and this cause is continued.



Pawnee Valley, Pa.

✓ 3/4 there for  
ack -

After Elmer's

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Encl. B. No. 7 p. 404

Enter this diary  
July 17, 1904  
H. C. W. 3/4



Virginia,

At a Circuit Court continued and held for Lee County, at the Court-house thereof on Wednesday the 17th day of February 1904.

Powells Valley Bank

Complainant,

vs ) In Chancery

Patton Elkins and W. M. Venable

Defendants.

This cause came on this day to be heard upon the bill of the Complainant and it appearing to the Court that the said defendants have been duly summoned for more than fifteen days previous to the ~~first~~ day of this term of Court and that each failing to appear, plead or answer, said bill of said Complainant is taken for confessed. It further appearing to the Court that certain liens are set up as against the real estate of Patton Elkins in this cause and that the title to the real estate of the said Patton Elkins is in a somewhat uncertain state, it is therefore adjudged, ordered and decreed that A. M. Goins who is hereby appointed a special Commissioner for the purpose after having given the parties or their attorneys herein ten days notice of the time and place of his sitting shall proceed to ascertain, first, all real estate owned by the said Patton Elkins and the condition of the title thereto and for this purpose he shall have power to summon the said Elkins and require him to produce before said Commissioner any title papers which he may have and permit said Commissioner to take copies therefrom. Second, said Commissioner will ascertain all liens existing against said real estate and whether or not same will rent for a sum sufficient in five years to pay the said judgment liens, exclusive of all other liens, third, said Commissioner will report any other matter being pertinent by himself or required to do so by any person in interest and he will report his action to the next term of this Court, and this cause is continued.

A Copy, Teste:

J. H. S. Ewing

Clerk.



A copy, Teste: \_\_\_\_\_ Clerk.

term of this Court, and this cause is continued.

any person in interest and he will report his action to the next  
any other matter being pertinent by himself or required to do so by  
exclusive of all other liens, third, said Commissioner will report  
for a sum sufficient in five years to pay the said Judgment liens,  
existing against said real estate and whether or not same will come  
less therefrom. Second, said Commissioner will ascertain all liens  
papers which he may have and permit said Commissioner to take cop-  
ies and require him to produce before said Commissioner any title  
for this purpose he sh all have power to summon the said Elixins  
the said Patton Elixins and the condition of the title thereto and  
fine shall proceed to ascertain, first, all real estate owned by

Powells Valley Bank  
vs  
Patton Elixins

A. M. Goris  
Commissioner

Executed Mar 29,  
1904, by delivering  
a true copy of the  
within to A. M. Goris  
his person

P. M. Ball  
S. L. B.

attorneys herein ten days notice of the time and place of his ap-  
pearance for the purpose of appearing in person or by  
decedent A. M. Goris who is hereby appointed Special Com-  
missioner to ascertain, first, the condition of the title thereto and  
that the title to the real estate of Patton Elixins is in  
up as stated, the real estate of Patton Elixins is in  
ed. If another person claiming to be the owner of this cause and  
died or otherwise, the title of said Commissioner is taken for confes-  
sion of this cause of Court and that certain liens are set  
have been only the notice for the purpose of appearing in person or  
Complainant and it appearing to the Court that the said defendants

This cause came on this day to be heard upon the bill of the

Patton Elixins and W. M. Venable Defendants.

As ) In Chancery

Powells Valley Bank

Complainant,

Court-house thereof on Wednesday the 17th day of February 1904.

As a Circuit Court continued and held for Lee County, at the  
Virginia,



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Patton Elkins and M. M. Venable*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held  
for the said court, on the *3rd* Monday in *January* *1904* ~~189~~, to answer a  
bill in chancery exhibited against *them* in our said court by *Powell*  
*Valley Bank (Incorporated)*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the  
court-house, the *17th* day of *December* *1903* ~~189~~, and in the *128th* year of the  
Commonwealth.

*A B Munsey Clerk*



Copies for  
Patton Elkins &  
W.M. Venable

Form No. 300½.

Powells Valley Bank

vs. {  
SUBPOENA  
IN CHANCERY

Patton Elkins et al

Pennington Bros p. q.

To 2<sup>nd</sup> January Rules.

1904 Circuit Court.

Executed Dec-  
the 31<sup>st</sup> 1903 by  
delivering to

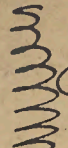
Mr. Venable & Patton  
Elkins a true copy

Notice of Dec 31, 1903  
Writ J. V. Hall

For W. J. Milham  
S. S. C.



Camus Valley Bonds

v  Es Choueney

Patton Elkins et al

1904. 2nd January rules bill filed

Summons executed & D.N.

" 1st Feby rules D.N. Confirmed

& Cause set for hearing

Munsey Clerk \$3.61 pd.

C. " " 2.29

Hall 1.00 Ball 50 Shff. - 1.50

Atty. - 15.00  
\$22.40

Costs:

Dr. Clerk 3.61

C. 2.29

Shff. 1.50

Atty. 15.00

\$22.40